

**04-1152 RUMSFELD, ET AL. V. FORUM FOR ACADEMIC AND  
INSTITUTIONAL RIGHTS, ET AL.**

DECISION BELOW: 390 F.3d 219 (3rd Cir. 2004)

QUESTION PRESENTED

The Solomon Amendment, 10 U.S.C. 983(b)(1), withholds specified federal funds from institutions of higher education that deny military recruiters the same access to campuses and students that they provide to other employers. The question presented is whether the court of appeals erred in holding that the Solomon Amendment's equal access condition on federal funding likely violates the First Amendment to the Constitution and in directing a preliminary injunction to be issued against its enforcement.

Cert. Granted 5/2/05